

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 IO-10 ACDE-00 ERDE-00 NRC-05 ERDA-05

AF-06 ARA-06 CIAE-00 DODE-00 EA-06 PM-03 H-02 INR-07

L-03 NASA-01 NEA-10 NSAE-00 NSC-05 OIC-02 SP-02 PA-01

PRS-01 OES-03 SS-15 USIA-06 SAJ-01 ISO-00 /123 W

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INFO USMISSION GENEVA

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C O N F I D E N T I A L MOSCOW 10676

DISTO FOR ADMIRAL DAVIES

E.O. 11652 XGDS-3 IMPOSSIBLE TO DETERMINE

TAGS: PARM, UN, CCD, UR, US

QBJ: ENMOD--ILLUSTRATIVE DRAFT RREATY

REF: A. MOSCOW 10069, B. STATE 166634, C. GENEVA 4740

1. COUNSELOR KASHIRIN OF THE SOVIET MFA'S INTERNATIONAL ORGANIZATIONS DIVISION CALLED EMBOFF IN YESTERDAY TO DELIVER SOVIET REPLY TO U.S.-PORPOSED CHANGES IN DRAFT ENMOD TEXT. SOVIET NON-PAPER IS QUOTED IN UNOFFICIAL TRANSLATION IN PARA 2. BELOW. MAIN POINTS ARE AS FOLLOWS:

A. SOVIETS AGREE WITH PROPOSED CHANGE IN ARTICLE V PARA 4 AND TO THE SPELLING CORRECTIONS IN THE ENGLISH TEXT OF ARTICLES VI, VII, AND IX.

B. IN ARTICLE II, THE SOVIETS AGREE IN PRINCIPLE TO THE REVISION, BUT FOR THE SAKE OF CLARITY WOULD LIKE TO SUBSTITUTE "HYDROSPHERE" FOR "WATERS" AND TO PLACE THE REFERENCE TO "BIOTA" AFTER "ATMOSPHERE" SO THAT IT REFERS
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TO ALL THREE MEDIA. THE REVISED WORDING WOULD THUS REFER

TO "...LITHOSPHERE, HYDROSPHERE, ATMOSPHERE INCLUDING BIOTA, OR OF OUTER SPACE..." KASHIRIN EXPLAINED THAT THE TWO SIDES HAD ALREADY AGREED THAT "EARTH" WAS EQUIVALENT TO "LITHOSPHERE."

C. THE SOVIET CANNOT, HOWEVER, AGREE TO OMIT THE WORD "MILITARY" FROM THE TITLE OF THE TREATY OR FROM ARTICLE I. THIS TERMINOLOGY, SAID KASHIRIN, HAD BEEN AGREED IN THE NIXON-BREZHNEV STATEMENT OF JULY 3, 1974 AND IN THE TALKS IN GENEVA. HE WENT ON TO SAY THAT THE SOVIET UNDERSTANDING OF THE OBJECTIVE OF THE TREATY WAS THE SAME AS THAT GIVEN IN THE U.S. EXPLANATION (REF B, PARA 2A), BUT THAT MOSCOW BELIEVED THE OMISSION OF THE WORD "MILITARY" MIGHT RAISE AMBIGUITIES ABOUT WHAT OTHER "HOSTILE" USES MIGHT BE IMPLIED. NEITHER SIDE, HE SAID, WISHED TO IMPLY THAT NON-MILITARY USES WERE INTENDED, OR MILITARY NON-HOSTILE USES (E.G., DISPERSING FOG).

D. THE SOVIETS PROPOSE MOVING "ANY" IN ARTICLE I TO MODIFY "HOSTILE" INSTEAD OF "MILITARY," SO THT THE PHRASE WOULD READ: "...ENGAGE IN MILITARY OR ANY OTHER HOSTILE USE."

2. QUOTE. THE SOVIET DELEGATION HAS CAREFULLY EXAMINED THE AMENDMENTS PROPOSED BY THE AMERICAN SIDE TO THE TEXT OF THE DRAFT CONVENTION AGREED UPON IN GENEVA.

THE SOVIET DELEGATION AGREES IN PRINCIPLE WITH THE PROPOSED CHANGES OFFERED TO THE TEXT OF ARTICLE II. HOWEVER, FROM A TECHNICAL POINT OF VIEW, IT CONSIDERS THAT THE OBJECTIVE OF THIS ARTICLE WOULD BE BETTER MET BY THIS TERMINOLOGY: "...LITHOSPHERE, HYDROSPHERE, ATMOSPHERE, INCLUDING BIOTA, OR OF OUTER SPACE...", NOTING THAT THE BIOTA APPLIES TO ALL THREE MEDIA.

THE SOVIET DELEGATION ALSO HAS NO OBJECTION TO INCLUDING THE PROPOSALS OF THE AMERICAN SIDE TO ARTICLE V, PARAGRAPH 4, WHICH SUBSTITUTES FOR THE WORD "HARMED" THE WORDS "HARMED OR IS LIKELY TO BE HARMED".

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CONCERNING THE AMENDMENTS PROPOSED BY THE AMERICAN SIDE WHICH WOULD HAVE THE EFFECT OF REMOVING FROM ARTICLE I, AND CORRESPONDINGLY FROM THE TITLE OF THE CONVENTION, THE WORD "MILITARY", THE SOVIE DELEGATION CANNOT AGREE. THE OMISSION FROM ARTICLE I, WHICH ESTABLISHES THE GOAL OF THE PROHIBITIONS PROVIDED FOR BY THE CONVENTION, AND THE OMISSION FROM THE TITLE OF THE CONVENTION ITSELF OF A CLEAR AND DEFINITE REFERENCE TO

THE PROHIBITION ON THE MILITARY USE OF ENVIRONMENTAL MODIFICATION WOULD NOT CORRESPOND TO THE TERMINOLOGY WHICH WAS AGREED UPON IN THE SOVIET-AMERICAN SUMMIT STATEMENT OF JULY 3, 1974. THE REMOVAL FROM THE DRAFT CONVENTION OF THE PROHIBITION OF MILITARY USES OF ENVIRONMENTAL MODIFICATION WOULD NOT BE UNDERSTOOD BY INTERNATIONAL SOCIETY.

THE SOVIE DELGATION DOES NOT SHARE THE CONCERN EXPRESSED BY THE AMERICAN SIDE CONCERNING THE POSSIBILITY OF AN INCORRECT INTERPRETATION OF THIS PROVISION IN THE SENSE THAT BY ITS VERY NATURE ANY MILITARY USE OF ENVIRONMENTAL MODIFICATION COULD BE REGARDED AS HOSTILE, SINCE THE AGREED TEXT OF ARTICLE I CLEARLY DIFINES THE SCOPE OF THE PROHIBITION AND LEAVES NO DOUBT THAT THE PROHIBITION APPLIES TO ENVIRONMENTAL MODIFICATION USED AS A MEANS OF WAGING WAR. IN AN EFFORT TO BE FORTHCOMING TO THE AMERICAN SIDE, HOWEVER, THE SOVIET DELEGATION IS PREPARED TO EXCLUDE FROM ARTICLE I THE WORD "ANY" BEFORE THE WORD "MILITARY" AND TO CHANGE THAT PORTION OF ARTICLE I TO THE FOLLOWING: "...NOT TO THREATEN MILITARY OR ANY OTHER HOSTILE...".

UNQUOTE.

3. KASHIRIN ASKED THAT THESE VIEWS BE CONVEYED URGENTLY TO THE U.S. DELEGATION, THAT ANY FURTHER QUESTIONS OR COMMENTS BE BROUGHT OUT NOW, AND THAT A REPLY BE GIVEN AS SOON AS POSSIBLE.

4. COPIES OF NON-PAPER IN RUSSIAN BEING POUCHED TO EUR/SOV AND ACDA/IR.
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